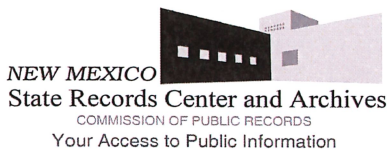


NMAC

Transmittal Form



FILED WITH
NEW MEXICO STATE
RECORDS CENTER

2023 APR 13 PM 3:39

Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address: Agency DFA code:

Contact person's name: Phone number: E-mail address:

Type of rule action: New Amendment Repeal Emergency Renumber (ALD Use) Recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes No Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes No Public domain

Specific statutory or other authority authorizing rulemaking:

Department of Health Act, Section 9-7-6 (E), NMSA 1978, Public Health Act, Section 24-1-3, NMSA 1978, and Violence Intervention Program Fund Act, Section 31-30-8, NMSA 1978.

Notice date(s): Hearing date(s): Rule adoption date: Rule effective date:

FILED WITH
NEW MEXICO STATE
RECORDS CENTER

2023 APR 13 PM 3:39

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Please see the attached Statement of Reasons for Adoption of Proposed Amendments to the Statewide Health Care Claims Database Rule Pursuant to the New Mexico Health Information Systems Act

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Patrick Allen

Check if authority has been delegated

Title:

Cabinet Secretary

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:

 BCCCB0A6564A457...

04/13/2023

2023 APR 13 PM 3:39

TITLE 7 HEALTH
CHAPTER 1 HEALTH GENERAL PROVISIONS
PART 19 VIOLENCE INTERVENTION PROGRAM FUND

7.1.19.1 ISSUING AGENCY: New Mexico Department of Health, epidemiology and response division.
[7.1.19.1 NMAC - N, 04/25/2023]

7.1.19.2 SCOPE: The violence intervention program fund shall apply to requests made for funds available pursuant to the Violence Intervention Fund Act, Sections 24-34-1, et seq, NMSA 1978.
[7.1.19.2 NMAC - N, 04/25/2023]

7.1.19.3 STATUTORY AUTHORITY: This rule is promulgated pursuant to the following statutory authorities:

A. The Department of Health Act, Subsection E of Section 9-7-6, NMSA 1978, which authorizes the secretary of the department of health to “make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions”.

B. The Violence Intervention Program Fund Act, Section 31-30-8, NMSA 1978, which authorizes the department of health to adopt rules to carry out the provisions of the act.
[7.1.19.3 NMAC - N, 04/25/2023]

7.1.19.4 DURATION: Permanent.
[7.1.19.4 NMAC - N, 04/25/2023]

7.1.19.5 EFFECTIVE DATE: April 25, 2023, unless a later date is cited at the end of a section.
[7.1.19.5 NMAC - N, 04/25/2023]

7.1.19.6 OBJECTIVE: The objective of Part 19, Chapter 1 is to establish standards and procedures for funding programs under the Violence Intervention Program Fund Act. These standards and procedures are designed for the purpose of making funds available to administer the provisions of the Violence Intervention Program Act and award violence intervention program grants to state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults, and develop standards pertaining to the collection and sharing of data by grantees. This rule will inform eligible agencies and stakeholders of the procedures to access funds. The department of health through the injury and behavioral epidemiology bureau, will administer the fund pursuant to the Violence Intervention Program Fund Act and this rule.
[7.1.19.6 NMAC - N, 04/25/2023]

7.1.19.7 DEFINITIONS:

A. Definitions beginning with “A”:
(1) “Accumulation” defined as the prior approved expenditure or disposition in the current fiscal year of funds distributed in the fiscal year.

(2) “Act” defined as the Violence Intervention Program Fund Act, Section 24-34-1, et seq, NMSA 1978.

B. Definitions beginning with “B”: “Bureau” defined as the injury and behavioral epidemiology bureau of the epidemiology and response division, New Mexico department of health.

C. Definitions beginning with “C”:
(1) “Chief” defined as the bureau chief of the injury and behavioral epidemiology bureau.
(2) “Commission” defined as the New Mexico sentencing commission.
(3) “Community-based service provider” defined as an entity that is eligible to be awarded a contract to provide services that accomplish the purposes of the Violence Intervention Program Act.

D. Definitions beginning with “D”:
(1) “Department” defined as the New Mexico department of health.
(2) “Director” defined as the director of the epidemiology and response division.
(3) “Division” defined as the epidemiology and response division.

E. Definitions beginning with “E”: [RESERVED]

F. Definitions beginning with “F”:

year. (1) "Fiscal year" defined as the state fiscal year that runs from July 1 through June 30 each

(2) "Fund" defined as the violence intervention program fund.

G. Definitions beginning with "G": "Grantee" defined as a state agency, county, municipality or tribal government that has applied for and received funding pursuant to the Violence Intervention Program Act for the purposes of addressing gun violence and aggravated assaults in a locally focused geographic area.

H. Definitions beginning with "H": [RESERVED]

I. Definitions beginning with "I": [RESERVED]

J. Definitions beginning with "J": [RESERVED]

K. Definitions beginning with "K": [RESERVED]

L. Definitions beginning with "L": [RESERVED]

M. Definitions beginning with "M": [RESERVED]

N. Definitions beginning with "N": [RESERVED]

O. Definitions beginning with "O": [RESERVED]

P. Definitions beginning with "P": [RESERVED]

Q. Definitions beginning with "Q": [RESERVED]

R. Definitions beginning with "R": [RESERVED]

S. Definitions beginning with "S": "Secretary" defined as the secretary of the New Mexico department of health.

T. Definitions beginning with "T": [RESERVED]

U. Definitions beginning with "U": [RESERVED]

V. Definitions beginning with "V": [RESERVED]

W. Definitions beginning with "W": [RESERVED]

X. Definitions beginning with "X": [RESERVED]

Y. Definitions beginning with "Y": [RESERVED]

Z. Definitions beginning with "Z": [RESERVED]

[7.1.19.7 NMAC - N, 04/25/2023]

7.1.19.8 DUTIES OF THE BUREAU: The bureau shall administer the fund, administer the provisions of the Violence Intervention Program Act and pursuant to the Act and this rule receive and review applications for and award violence intervention program grants to state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults.

[7.1.19.8 NMAC - N, 04/25/2023]

7.1.19.9 DUTIES OF THE COMMISSION: The commission shall:

A. provide state agencies, counties, municipalities and tribal governments with data relevant to grant applications pursuant to Subsection B of Section 31-30-5 NMSA 1978;

B. each year through 2027, with the department, the commission shall report to the legislature by December 1 regarding the awards and outcomes of each grantee pursuant to Subsection B of Section 31-30-9, NMSA 1978.

[7.1.19.9 NMAC - N, 04/25/2023]

7.1.19.10 ANNUAL REPORTS: Each grantee shall report to the department and the commission by November 1 of each year regarding the:

A. purpose and amount of each grant received by the grantee for the previous fiscal year; and

B. processes, outputs and outcomes resulting from each grant approved by the department for the previous fiscal year, including relevant data as required by department rules.

[7.1.19.10 NMAC - N, 04/25/2023]

7.1.19.11 VIOLENCE INTERVENTION PROGRAM: The purpose of the Violence Intervention Program Act is to create a non-reverting fund in the state treasury, the "violence intervention program fund", to consist of appropriations, gifts, grants and donations, to be administered by the department for awarding violence intervention program grants to state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults.

2023 APR 19 PM 3:40

A. Eligibility: subject to the availability of the funds in the violence intervention fund, state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults may apply for funding under this rule.

B. Application process: In the first year of the program, within 60 days of the effective date of this rule, and thereafter, annually prior to the start of each state fiscal year, eligible state agencies, counties, municipalities, or tribal governments may apply to participate in the violence intervention fund program by submitting the application forms in a timely manner, as prescribed and distributed by the bureau. Such application forms will include, but not be limited to:

- (1) Grant application form provided by the bureau including, but not limited to the following:
 - (a) budget form and narrative including a plan of expenditure for the amounts requested from the fund;
 - (b) project narrative which includes:
 - (i) need statement-provide a description of your agency and the constituents you serve. This narrative should describe the severity of violence and its impact on the community, as well as a description of the unmet need or problem that the grant project will address;
 - (ii) project description including identified high-risk target population and programs to address the problem.
- (2) Violence prevention strategic plan - the strategic plan must include, at a minimum:
 - (a) an assessment of current violence prevention capacity and any current violence prevention activities and their effectiveness;
 - (b) description of selected evidence-based, evidence informed, or research-based programs and strategies to be implemented;
 - (c) action plans for program implementation and evaluation;
 - (d) statement of desired (measurable) outcomes and criteria with which to assess implementation success.

C. Funding amounts: Based upon the allocation decision by the authority in 7.27.9.12 NMAC, Funding amounts shall be determined by the department, will be based on criteria described in the grant application form, and will be dependent on availability of funds in the violence intervention fund.

D. Accumulation: It is anticipated that the entire amount of the annual award to each grantee will be spent during the fiscal year in which it is awarded. In the event that the entire amount cannot or will not be expended, the grantee must return the unexpended balance to the bureau unless it submits an accumulation and expenditure plan that is approved by the bureau prior to the close of the fiscal year in which it was awarded. The bureau may approve up to one additional fiscal year to expend the balance.
[7.1.19.11 NMAC - N, 04/25/2023]

7.1.19.12 GENERAL PROVISIONS: Oversight, inspection, and audit: The department is responsible for the oversight of expenditures from the fund. All recipients of violence intervention funds under the act shall be subject to reasonable oversight and as needed, visitation by authorized representatives of the bureau. Records of purchases, training programs, or personnel expenditures accomplished with awards from the fund shall be open for inspection. This oversight may include an objective audit if deemed necessary. Findings from all oversight activities will be shared with the fund recipient and as appropriate a written deficiency correction report may be requested.
[7.1.12. NMAC - N, 04/25/2023]

HISTORY OF 7.1.19 NMAC: [RESERVED]